

In re) Fair Hearing No. 10,278
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Appeal of)

The petitioner appeals the decision by the Department of Social Welfare reducing her food stamp benefits. The issue is whether the Department properly took into account income earned by the petitioner's son.

The facts are not in dispute. Prior to February 1, 1991, the petitioner received food stamps of \$196.00 a month. In January, however, her son, who is twenty years old and still in high school, began working. The Department computed his monthly earnings to be \$429.88; and it reduced the petitioner's food stamps to \$67.00 per month.

The Department's decision is affirmed.

Food Stamp Manual § 273.1(a)(2)(C) provides that parents and children who reside together must be considered a single food stamp household. Food Stamp Manual § 273.9(c)(7) excludes from household income the earnings of only those children who are "students" and "who have not attained their eighteenth birthday". Since the petitioner's son is twenty

years old, no exemption applies to his earnings.

Inasmuch as the Department's decision is in accord with the regulations, it must be affirmed. 3 V.S. A. § 3091 (d) and Food Stamp Hearing Rule No. 17.

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